Net Neutrality Debate Heats Up

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Back in November 2005, Rep. Joe Barton (R-TX) introduced draft legislation in the US Congress that has generated animated debate about the concept of net neutrality: the even-handed treatment of all content providers (Web sites, streaming audio and video providers and so on) by all Internet service providers (ISPs).

Now in its fourth draft, the “Communications Opportunity, Promotion, and Enhancement Act of 2006” is moving through the Commerce Committee’s Subcommittee on Telecommunications and the Internet with co-sponsorship of Rep. Fred Upton (R-MI), Chairman of the Telecommunications and the Internet Subcommittee; Rep. Chip Pickering (R-MS), Commerce Committee Vice-Chair; Rep. Bobby Rush (D-IL); and with support from Rep. Dennis Hastert (R-IL), Speaker of the House. The Benton Foundation, a private think tank specializing in digital telecommunications policy, has an overview of the bill <http://tinyurl.com/ha4hz> and a more extensive analysis <http://tinyurl.com/hwxmr> available online.

The bill includes provisions for improvements in the regulatory approval process for establishing new pay-for-service cable television networks; ensure that subscribers to voice-over-IP (VoIP) users would be able to communicate their location automatically to emergency 9-1-1 services; prohibit discrimination against classes of subscribers (e.g., refusing to offer cable service to districts with lower average income in a coverage area); and enshrine the rights of municipalities to create publicly-owned broadband ISPs.

Proponents of the bill argue that it would contribute to a lively competitive marketplace with new offerings for consumers.

Opponents have focused on the absence of any specific prohibitions on differential service levels relating to content. _Net neutrality_ is the term generally applied to the concept that ISPs should in no way privilege specific types of content (or, for that matter, disadvantage other types of content). A common hypothetical example used in debates is to imagine that a specific search engine might pay ISPs fees to ensure that responses from its Web site would be delivered to the user faster than the results from a competing search engine that had not paid special fees. Another example of content-based discrimination imagines that an ISP might accord a lower priority to packets transmitting, say, video feeds – unless the customer were to pay a special fee for higher-speed access. The most alarming scenarios involve outright blockage of content by source or by type. An example of blockage by source often cited in news stories is that of the Canadian ISP Telus, which blocked subscribers’ access to a Web site of the Telecommunications Workers Union, with which it was in conflict <http://tinyurl.com/kkzau>. The example of type-based blocks much mentioned in the debate is that of Madison River telco, which blocked VoIP traffic from Vonage as an anticompetitive move to protect its own long-distance conventional long-distance service <http://tinyurl.com/hscav>.

An organization called “Save the Internet.com” <http://www.savetheinternet.com/> has announced a campaign to stop what it calls a plan by Congress to “ruin the Internet.” In heated
prose, the organizers describe Rep. Barton as having “sponsored a bill to hand over the Internet to big telephone and cable companies.” Rep. Rush, claim the writers, “supports Barton's bill that would stifle independent voices and small businesses.” In a note headed, “The Threat is Real,” the organizers write, “If the public doesn’t speak up now, Congress will cave to a multi-million dollar lobbying campaign by companies like AT&T and Verizon who want to decide what you do, where you go, and what you watch online.” Indeed, they proclaim, “Congress thinks they can sell out and the public will never know. The SavetheInternet.Com Coalition is proving them wrong — together, we can save the Internet.”

You can easily find a wealth of articles looking at this issue by typing “net neutrality” into your favorite search engine. One of the most reasoned commentaries is by Daniel Berninger: “Net neutrality means don’t tread on the Internet!” His essay was published on April 18, 2006 on the Jeff Pulver blog <http://pulverblog.pulver.com/>.

Some of the other comments I have read seem to be based on misconceptions about the nature of “the” Internet (you’ll find out why I put it that way next time). In my next column, I’ll lay out the issues in the hope of turning down the heat a bit and raising the level of rationality in the discussion.

I promise you: we are not approaching The End of the Internet As We Know It and you really can Feel Fine (with apologies to R.E.M.) <http://tinyurl.com/z9vpf>.

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